

EXHIBIT 58

UNITED STATES of AMERICA
VS
METHODIST LE BONHEUR HEALTHCARE, et al.

Volume 2

JEFFREY LIEBMAN

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<p style="text-align: right;">Page 129</p> <p>1 meetings held either near or in the corporate</p> <p>2 offices or the meetings were held in Germantown.</p> <p>3 Those are the only two places I remember meetings</p> <p>4 being held. There was one meeting, I believe, in</p> <p>5 the consultants' meetings we talked about earlier.</p> <p>6 I think one of them was held at a restaurant.</p> <p>7 Q. Do you know if the relationship between West</p> <p>8 and Methodist was renewed?</p> <p>9 A. I do not.</p> <p>10 Q. You mentioned that Methodist wanted to</p> <p>11 increase market share. Was that a concern to you?</p> <p>12 A. Increasing market share is not a concern.</p> <p>13 How you increase market share might be a concern for</p> <p>14 me.</p> <p>15 Q. Did you have concerns about how Methodist</p> <p>16 wanted to increase market share?</p> <p>17 A. Yes.</p> <p>18 Q. What was that concern?</p> <p>19 A. My concern was that they were trying to</p> <p>20 incentivize the group to change their referral</p> <p>21 patterns away from the hospitals the private group</p> <p>22 had used for over 20 years to Methodist in exchange</p> <p>23 for economic benefits.</p> <p>24 Q. What were those economic benefits?</p> <p>25 A. It was free rent, it was development of</p>	<p style="text-align: right;">Page 131</p> <p>1 Q. And you mentioned development of facilities.</p> <p>2 What facilities are those?</p> <p>3 A. Well, the Germantown facility was developed.</p> <p>4 Services and key personnel, key doctors, very</p> <p>5 qualified doctors, were moved from the most densely</p> <p>6 populated part of the service area out to the what</p> <p>7 you would call a much more sparsely populated area,</p> <p>8 so they -- for the convenience of the doctors and</p> <p>9 the development of new facilities.</p> <p>10 Q. Did you consider the development of new</p> <p>11 facilities to be improper?</p> <p>12 A. I considered moving the services out to the</p> <p>13 suburbs without -- was -- was peculiar to me because</p> <p>14 you're moving from the most densely populated</p> <p>15 population, where they didn't have a lot of access</p> <p>16 to healthcare, to a more suburban location where</p> <p>17 fewer people lived.</p> <p>18 Q. Do you consider the development of facilities</p> <p>19 to be a misuse of 340B savings?</p> <p>20 A. I'm sorry. Can you ask me that again? The</p> <p>21 development of facilities? Can you repeat the</p> <p>22 question?</p> <p>23 MR. CHENERY: Terri, could you read that</p> <p>24 back, please.</p> <p>25 MR. VROON: Object to the form.</p>
<p style="text-align: right;">Page 130</p> <p>1 facilities that they could use, it was my concern</p> <p>2 whether or not the doctors -- the funneling of the</p> <p>3 money was going to increase the doctors'</p> <p>4 reimbursement or compensation.</p> <p>5 Q. Do you know how the doctors were compensated?</p> <p>6 A. From Methodist?</p> <p>7 Q. Yes.</p> <p>8 A. I do not.</p> <p>9 Q. Do you know if their compensation increased</p> <p>10 during the affiliation?</p> <p>11 MR. VROON: Object to the form.</p> <p>12 THE WITNESS: Comments were made that</p> <p>13 their compensation did go up, but I do not have -- I</p> <p>14 was not part of that development of whatever the</p> <p>15 reimbursement was between the Methodist system and</p> <p>16 the doctors.</p> <p>17 BY MR. CHENERY:</p> <p>18 Q. Which West doctors' compensation went up</p> <p>19 during the affiliation?</p> <p>20 A. I cannot tell you offhand who went up and who</p> <p>21 went down.</p> <p>22 Q. You mentioned the economic benefit of the</p> <p>23 rent. Is that the rent we discussed earlier related</p> <p>24 to the freestanding cancer center?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 132</p> <p>1 THE WITNESS: Yeah, I think that</p> <p>2 facilities should be developed corresponding to</p> <p>3 where the patient needs are.</p> <p>4 BY MR. CHENERY:</p> <p>5 Q. You mentioned free access to certain services</p> <p>6 at the cancer center. What services were those?</p> <p>7 A. When we would -- we could never figure out</p> <p>8 how certain employees were being supported or -- at</p> <p>9 least when we were designing the new facility that</p> <p>10 was going to be in Memphis at the university</p> <p>11 hospital, we could never get our hands around was</p> <p>12 every employee going to be charged back or not, who</p> <p>13 was on what payroll. It was a very confusing</p> <p>14 system. And it looked from afar that certain</p> <p>15 services and employees were not necessarily being</p> <p>16 accounted for appropriately.</p> <p>17 Q. What do you mean, "accounted for</p> <p>18 appropriately"?</p> <p>19 A. Well, if there are employees that were on one</p> <p>20 payroll and leased back to another, then there</p> <p>21 should have been some sort of accounting or</p> <p>22 mechanism for me to understand.</p> <p>23 Q. What do you mean by one payroll or another?</p> <p>24 A. Well, if -- sometimes there were employees</p> <p>25 who sat on the West Clinic payroll but were paid by</p>

1 **A. No.**
 2 Q. Did you ever hear anyone at Methodist talking
 3 about these incidents after the January 2017 final
 4 warning letter?
 5 MR. VROON: Objection.
 6 **THE WITNESS: Yeah, I'm not sure I**
 7 **understand the question. Talking to me?**
 8 BY MR. CHENERY:
 9 Q. Did you ever hear about anyone talking about
 10 the allegations that Ms. Holt raised?
 11 MR. VROON: Object to the form.
 12 **THE WITNESS: I don't remember it,**
 13 **hearing that.**
 14 BY MR. CHENERY:
 15 Q. So is it fair to say that Methodist, after
 16 issuing the final warning letter, was discreet about
 17 this investigation?
 18 MR. VROON: Object to the form.
 19 **THE WITNESS: I would not know if they**
 20 **were discreet or not.**
 21 BY MR. CHENERY:
 22 Q. What was your reaction to receiving the final
 23 warning letter?
 24 **A. Well, I anticipated getting a warning. I was**
 25 **surprised at the content, but I had decided already**

1 **that I was going to sign it, so I did.**
 2 Q. Did receiving the final warning letter and
 3 its contents make you angry?
 4 MR. VROON: Object to the form.
 5 **THE WITNESS: I'm sorry. Your**
 6 **statement -- your question was did I get angry when**
 7 **I got the letter?**
 8 BY MR. CHENERY:
 9 Q. Yes.
 10 **A. I expected the letter to come because I had**
 11 **been given advanced warning, so I wouldn't say**
 12 **angry, I would say surprised by the content.**
 13 Q. Were you upset that Methodist issued a final
 14 warning letter stating that you would be terminated
 15 if another similar incident again arose?
 16 **A. No. I had agreed to sign the letter before I**
 17 **received it.**
 18 MR. VROON: Taylor, we've been going
 19 about two hours. Can we take a break whenever you
 20 have a -- in a moment, please?
 21 MR. CHENERY: Yeah, one -- one more
 22 question.
 23 BY MR. CHENERY:
 24 Q. Did you think, in receiving the final warning
 25 letter stating that the next incident would result

1 in termination, that by receiving that you were
 2 being treated unfairly?
 3 MR. VROON: Object to the form.
 4 **THE WITNESS: I don't remember what I**
 5 **was thinking back then, but, again, I had agreed to**
 6 **sign the letter.**
 7 BY MR. CHENERY:
 8 Q. And you signed the letter, even though you
 9 believed all of the allegations in it were false?
 10 **A. Well, I don't remember specifically what was**
 11 **in my head when I read the letter and signed it, but**
 12 **I do remember that we had agreed upon that we were**
 13 **going to have a written warning and that everything**
 14 **would go back to the way it was.**
 15 MR. CHENERY: Okay. We can go off the
 16 record here, take a break.
 17 THE VIDEOGRAPHER: We are off the
 18 record. The time is 11:03.
 19 (Recess observed from 11:03 a.m. to
 20 11:26 a.m.)
 21 THE VIDEOGRAPHER: We are on the record.
 22 The time is 11:26.
 23 BY MR. CHENERY:
 24 **Q. Mr. Liebman, how long after you received the**
 25 **January 2017 final written warning did you file your**

1 **lawsuit against Methodist?**
 2 **A. I don't recall exactly. It was months later.**
 3 Q. Do you recall that it was May 2017?
 4 **A. I'm sure there's a date on it, I just don't**
 5 **remember the exact date.**
 6 MR. CHENERY: Paige, could you pull up
 7 the exhibit that's already been marked 242?
 8 (Whereupon, Exhibit 242 was presented.)
 9 THE VIDEOGRAPHER: That has been shared,
 10 Exhibit 242.
 11 (Discussion off the record.)
 12 BY MR. CHENERY:
 13 Q. Mr. Liebman, do you see in the footer of that
 14 document --
 15 MR. VROON: Excuse me, Taylor, I'm
 16 sorry. It's not downloaded quite yet.
 17 MR. CHENERY: Sure.
 18 Mr. Liebman, let me know when you have
 19 it loaded.
 20 And Bryan, I'm just going to ask a
 21 question about the first page, which contains the
 22 file date.
 23 MR. VROON: Okay. I can see it now.
 24 Jeff, can you see it?
 25 **THE WITNESS: Not yet. It's not quite**

<p style="text-align: right;">Page 173</p> <p>1 Do you recall submitting your resignation --</p> <p>2 let me back up. Do you remember to whom you</p> <p>3 submitted your resignation?</p> <p>4 A. I --</p> <p>5 MR. VROON: Object to the form.</p> <p>6 Excuse me. Object to the form.</p> <p>7 BY MR. CHENERY:</p> <p>8 Q. Sorry, Mr. Liebman. If you answered I</p> <p>9 couldn't --</p> <p>10 A. Yeah, I told Michael Ugwueke I was going to</p> <p>11 resign in a meeting with him.</p> <p>12 Q. Did you participate in an executive committee</p> <p>13 meeting on August 25, 2017?</p> <p>14 A. No.</p> <p>15 Q. Have you ever been terminated or asked to</p> <p>16 resign from any employment position other than your</p> <p>17 employment with Methodist?</p> <p>18 MR. VROON: Object to the form.</p> <p>19 THE WITNESS: I don't recall. I don't</p> <p>20 recall being terminated or asked to resign. And I</p> <p>21 don't recall being asked to resign from Methodist.</p> <p>22 I resigned from Methodist because I had already --</p> <p>23 well, two things. One, I had already arranged for</p> <p>24 employment elsewhere, and I could tell from the</p> <p>25 meeting with Michael Ugwueke, after his comments to</p>	<p style="text-align: right;">Page 175</p> <p>1 A. I was -- I wouldn't -- I was looking, but I</p> <p>2 wasn't out there, like, really, really actively</p> <p>3 looking, but I was looking around.</p> <p>4 Q. In July 2017?</p> <p>5 A. Yes.</p> <p>6 Q. Was Methodist's affiliation with the West</p> <p>7 Clinic still in place when you left Methodist in</p> <p>8 August 2017?</p> <p>9 A. I believe it was.</p> <p>10 Q. Do you have any personal knowledge about the</p> <p>11 circumstances of unwinding that affiliation?</p> <p>12 A. I do not.</p> <p>13 Q. Mr. Liebman, do you recall that before the</p> <p>14 first portion of your deposition was suspended in</p> <p>15 September, we had begun to discuss a committee</p> <p>16 called the Cancer Council, or Cancer Center</p> <p>17 Executive Council?</p> <p>18 A. I recall there was a committee that was</p> <p>19 called that, yeah.</p> <p>20 MR. CHENERY: Paige, could you please</p> <p>21 share Tab 5.</p> <p>22 THE VIDEOGRAPHER: Five has been shared</p> <p>23 and that would be Exhibit 266.</p> <p>24 MR. CHENERY: Thank you.</p> <p>25 ///</p>
<p style="text-align: right;">Page 174</p> <p>1 me, that we couldn't work together anymore.</p> <p>2 BY MR. CHENERY:</p> <p>3 Q. I'll try and ask my question in a clearer</p> <p>4 way.</p> <p>5 I'm not asking about your employment with</p> <p>6 Methodist. Other employment positions; have you</p> <p>7 ever been terminated or asked to resign from other</p> <p>8 positions?</p> <p>9 A. I'm trying to think back. I think in --</p> <p>10 early in my career I was asked to resign when I was</p> <p>11 at Washington Hospital Center 20-something years</p> <p>12 ago.</p> <p>13 Q. Why were you asked to resign there?</p> <p>14 A. There was a restructuring. My original boss</p> <p>15 left, a new boss came in.</p> <p>16 Q. Any other reasons other than the</p> <p>17 restructuring?</p> <p>18 A. Not that I remember, no.</p> <p>19 Q. When did you line up other employment while</p> <p>20 you were employed at Methodist?</p> <p>21 A. I was recruited in July to MetroWest.</p> <p>22 Q. Who recruited you?</p> <p>23 A. The chairman of the board.</p> <p>24 Q. Were you seeking other employment at that</p> <p>25 point?</p>	<p style="text-align: right;">Page 176</p> <p>1 (Whereupon, Exhibit 266 was marked.)</p> <p>2 THE WITNESS: (Reviewing.) Okay.</p> <p>3 BY MR. CHENERY:</p> <p>4 Q. Do you see at the top of the first page of</p> <p>5 this document, Cancer Center Executive Council</p> <p>6 Meeting Minutes, February 11, 2015?</p> <p>7 A. Yeah.</p> <p>8 Q. And do you see your name listed in the column</p> <p>9 of non-council members present?</p> <p>10 A. I do.</p> <p>11 Q. My questions relate -- if you see the numbers</p> <p>12 that are stamped in the bottom right-hand corner of</p> <p>13 each page, this will be I believe the sixth page of</p> <p>14 document. The number in the bottom right-hand</p> <p>15 corner, MLH_021702?</p> <p>16 A. I'm sorry, 021...</p> <p>17 Q. 702.</p> <p>18 A. I'm just looking for it. Hang on. Yes, I</p> <p>19 see that page.</p> <p>20 Q. Do you see around the middle or just below</p> <p>21 the middle of the page there's a bullet point, "OR</p> <p>22 Room turnaround times"?</p> <p>23 A. I see that.</p> <p>24 Q. Then it has your name, J. Liebman, listed</p> <p>25 next to that?</p>